

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JERIMIE DIXON,

CASE NO. 3:22-cv-05799-RJB

**Plaintiff,**

**ORDER DISMISSING CASE  
WITHOUT PREJUDICE**

JW 88 CORP.,

**Defendant.**

This matter comes before the Court on review of the Court record. The Court has considered the record and is fully advised.

On February 13, 2023, the Court noted that a Combined Joint Status Report and Discovery Plan had not been filed in this case despite the Plaintiff having been given an extension of time to do so. Dkt. 7. That order further noted that there was no record that the Defendant had been served. *Id.* The Plaintiff was ordered show cause, if any he had, why the case should not be dismissed without prejudice. *Id.*

On February 24, 2023, the Plaintiff moved for default against the Defendant. Dkt. 8. The Clerk of the Court entered default against the Defendant (Dkt. 9) and a deadline for March 17,

1 2023, for the Plaintiff to file a motion for default judgment was set. On March 3, 2023, the  
2 Plaintiff filed a response to the Order to Show Cause. Dkt. 10. In it, the Plaintiff indicated that he  
3 wished to continue with this litigation. Dkt. 10. On March 6, 2023, the Court found that adequate  
4 cause to continue with the case had been shown and that dismissal was not warranted.

5 The Plaintiff did not file a motion for default judgment by March 17, 2023. On March  
6 22, 2023, a second order was issued. Dkt. 12. That order provided:

7 Fed. R. Civ. P. 16 (f)(1) provides that the court, on motion or on its own, may  
8 issue “any just orders including those authorized by Fed. R. Civ. P.  
37(b)(2)(A)(ii)-(vii)” if a party “fails to obey a scheduling or other pretrial order.”  
Under Fed. R. Civ. P. 37(b)(2)(A)(v), the court may dismiss an action or  
9 proceeding in whole or in part for failure to obey a court order.

10 The Plaintiff has again failed comply with the court’s scheduling orders. He has  
11 not filed a motion for default judgment. Accordingly, counsel for Plaintiff should  
either file the motion for default judgment or show cause, if any they have, why  
12 this case should not be dismissed without prejudice under Fed. R. Civ. P. 16(f)(1)  
and 37(b)(2)(A)(v) by March 29, 2023.

13 Dkt. 12. The Plaintiff did not respond to the Court’s order. Accordingly, this case should  
14 be dismissed without prejudice under Fed. R. Civ. P. 16(f)(1) and 37(b)(2)(A)(v).

15 **IT IS SO ORDERED.**

16 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
17 to any party appearing *pro se* at said party’s last known address.

18 Dated this 3<sup>rd</sup> day of April, 2023.

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ROBERT J. BRYAN

20 United States District Judge